

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BIOVAIL LABORATORIES INTERNATIONAL SRL)
a corporation of Barbados,)
)
Plaintiff,) C.A. Nos. 05-586 (GMS)
) 05-730 (GMS)
v.) 06-620 (GMS)
) (CONSOLIDATED)
ANDRX PHARMACEUTICALS, LLC and)
ANDRX CORPORATION,)
)
Defendants.)
)

**STIPULATION OF DISMISSAL WITH PREJUDICE
PURSUANT TO FEDERAL CIVIL PROCEDURE RULE 41(a)(1)**

Plaintiff Biovail Laboratories International SRL (“Biovail”), and
Defendants Andrx Pharmaceuticals, LLC and Andrx Corporation (collectively “Andrx”),
having agreed to a settlement of this action, STIPULATE that:

1. This is a consolidated civil action of Civil Action No. 05-586 (GMS), Civil Action No. 05-730 (GMS), Civil Action No. 06-620 (GMS) (collectively referred to as the “Litigation”).

2. In the Litigation, Plaintiff alleged that Defendant Andrx infringed U.S. Patent Nos. 5,529,791 and 7,108,866, under 35 U.S.C. § 271(e)(2), by virtue of Defendant's submission of Abbreviated New Drug Application No. 77-686 to the United States Food and Drug Administration.

3. Plaintiff and Defendant have reached an agreement to settle the
Litigation.

4. All of Plaintiff's claims in this Litigation are hereby dismissed with prejudice. Each of the parties shall bear its own attorney fees and costs.

SO STIPULATED:

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